

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on October 21, 2013.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

October 7, 2013

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Beduhn Dykhous Lomonaco Palmer
 Postema VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Postema, and seconded by Palmer to approve the minutes of the September 16, 2013 Board of Zoning Appeals meeting.

Motion carried: Yeas Nays

PUBLIC HEARING:

Appeal #V130038 P.P. #41-17-02-184-017

Habitat for Humanity of Kent County

1210 Rathbone St. S.W.

Zoned R-2

Zoning Section 90-891 requires properties in this R-2 Residential district to be a minimum of 65 feet in width and 8,400 square feet in area. A variance is requested to divide an existing lot into two lots, each with 40 feet of width, and 4,600 square feet in area. In addition Zoning section 90-891 requires a combined side yard of 18 feet in this district. A variance is requested to allow a 16 foot combined side yard. Also in addition, Zoning Section 90-892 (12) requires garages in this district. A variance is requested to waive the requirement for both lots. The application was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Mr. Ivor Thomas, Habitat for Humanity, said the property had been obtained from the City of Wyoming. The plan is to erect two houses. 40 foot wide lots are in character with the rest of the neighborhood. There had been conversation with the City regarding the variance to waive the garage requirement, and it was decided to withdraw the variance regarding the garages, and propose a detached single stall garage for each house with an additional paved area for parking.

Don Lamse, 1223 Rathbone St. S.W. opposed the variance request. He preferred the lot not be split, and that only a single family house be constructed. There was an existing tree on the lot he was afraid would be removed if two houses were constructed. He thought having two

tiny houses would decrease his property value. He said if the houses did not have garages, it would only increase the on-street parking.

Jerado Ramirez, 1218 Rathbone St. S.W., was also concerned with the size of the lot. He does not want two houses erected. He had been very interested in purchasing the lot, and wondered how Habitat for Humanity got it.

The owner of 1223, 1225 & 1229 Chicago Dr. did not feel the lot was big enough for two houses, but he did not care if they built one. He was assisted in translation by Mr. Ramirez.

The owner of 1228 Rathbone asked what type of construction Habitat would use, pre-fabrication or “stick” built.

Mr. Thomas responded that Habitat would “stick” build the house.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran explained overall the character of the street is made up of 40 foot wide lots that were platted prior to World War II. It is important to the City to get new investment into older neighborhoods. The City believes the variance is reasonable, and staff formulated the following Finding of Facts to support the variance request.

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district. The proposed 40 foot wide lots, 4600 square foot in area, and 16 foot combined side yards are identical with most of the existing lots along Rathbone Street. The proposed lots and homes will integrate with this historical development pattern. The public hearing noticed garage exemption variance portion of the request has been withdrawn. The petitioner now proposes a single stall garage to be constructed upon each lot.
2. The variance necessary for the preservation and enjoyment of substantial property rights. The proposed redevelopment of the lots will integrate with the character of the neighborhood.
3. The granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets. Authorizing of the variances will not diminish the marketability of adjacent lands and improvements. The new investment will promote the overall neighborhood vitality.
4. The condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation. The historical development pattern along Rathbone Street is not so recurrent as to make practical an ordinance amendment.

A motion was made by Lomonaco and seconded by Palmer that the request for a variance in application no. V130038 be granted, accepting staff's Finding of Facts.

Dykhouse wondered what had happened to the original house.

Cochran answered there had been a fire, and the City demolished the house.

Dykhouse objected to having two houses on the lot. He noted there were many rental houses on the street. He complimented the owner of 1218 Rathbone St. on the upkeep of his property. He thought two houses would not do the street justice, but would contribute to the "crammed in" feeling of the street.

Beduhn asked what the sizes of the proposed houses were.

Mr. Thomas said the one house would be ranch style with 1,152 square feet. The other house would be two stories with 1,408 square feet. Both houses would have full basements with at least one room with egress. The houses Habitat builds currently have been appraised at \$90,000 - \$100,000. They have Energy Star rating and LEED's certification. Habitat for Humanity has a 95% rate of success, which means 95% of the houses they build are retained by the owners and not resold.

Lomonaco asked the width of the lot to the west. Cochran said the lot was 40 foot wide.

VanderSluis addressed the concern with the tree. He understood the City did not have an ordinance regarding trees, and he explained to the Public that the City of Wyoming did not require a permit to remove a tree. For the owner of 1218 Rathbone, he asked what the City's process is for selling a property.

Cochran did not know the process the City uses to sell real estate.

VanderSluis then asked and received confirmation that the lot currently was buildable, and one house could be constructed on it. As he interrupted the ordinance, he felt the variance could not be granted if the lot could be used as is.

Lomonaco thought the variance would make the lots uniform with the street. There would be no more crowding on the new lots then there was on the existing lots.

Dykhouse noted that there are some large lots on the street. Even with the garages and concrete pads, the new houses could affect parking.

VanderSluis understood one new house may be good, it does not mean that two new houses would be better.

Lomonaco said the houses built by Habitat for Humanity result in owner occupied homes.

Motion carried: 4 Yeas 2 Nays (Dykhouse, VanderSluis) (Resolution #5548)

PUBLIC HEARING:

Appeal #V130039

P.P. #41-17-30-378-006

Timothy L. Fiebig

4485 Sugarbush Ct. S.W.
Zoned ER-1

Zoning Code Section 90-45 (7) Accessory Buildings specifies a maximum of 768 square foot per building and a maximum combined 1000 square foot for all accessory buildings on a single family zoned parcel. The petitioner has an attached garage of approximately 900 square feet, and desires to construct a single accessory building of 400 square foot. The petitioner requests a variance to allow an additional 300 square foot of accessory building area. The application was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Tim Fiebig, 4485 Sugarbush, wanted to build a wood working shop. He has a three stall garage now, but woodworking can distribute sawdust. He said his wife is requiring the building look like a little cottage since she will see it every day from the windows on the house. He provided a map that shows neighboring properties that have similar or larger out buildings.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran noted there is a history of granting variances for larger out buildings in this area. The neighborhood is made up of larger lots. A larger out building can be placed on the lot as not to have any impact on adjacent lots. Staff supported the variance request, and had formulated the following Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the petitioner's property is over one-half acre. There are several other large accessory buildings in the surrounding area. The proposed accessory building is shown to be located to rear of the property within a wooded area. The proposed 400 square foot accessory building (1300 square feet accessory building total for the property) will not be out of scale with a property of this size and the neighborhood.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the requested accessory building area will provide for additional storage area and a workshop.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the proposed accessory building area is within a wooded area and away from nearby homes. It will not impact adjoining properties or the public streets.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because due to the size of the property, and location of the proposed accessory building, a limited accessory building increase can be granted without detriment to adjoining properties.

A motion was made by Beduhn and seconded by Dykhousé that the request for a variance in application no. V130039 be granted, accepting staff's Finding of Facts.

Motion carried: 6 Yeas 0 Nays (Resolution #5549)

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

Canda Lomonaco
Secretary

CL:cb